

# **EXHIBIT NO. 38**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

VIVIAN BERT, et al.,

Plaintiffs,

vs.

AK STEEL CORPORATION,

Defendant.

CASE NO.  
C-1-02-467

Deposition of: SUSAN R. LESTER

Taken: By the Plaintiffs  
Pursuant to Notice

Date: February 16, 2005

Time: Commencing at 8:02 a.m.

Place: Taft, Stettinius &  
Hollister, LLP  
425 Walnut Street  
Suite 1800  
Cincinnati, Ohio 45202

Before: Karen Volk, RPR  
Notary Public - State of Ohio

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1 **maintenance.**  
 2 Q. Any job that is not maintenance?  
 3 A. **Yes, sir.**  
 4 Q. All right. Do you keep records, Phyllis,  
 5 of hires into the Coke Plant and West Works?  
 6 MR. KAMMER: This one is Susan, not  
 7 Phyllis.  
 8 MR. CHILDS: Susan, excuse me.  
 9 Q. Do you keep records of hires into the Coke  
 10 Plant and the West Works?  
 11 A. **Yes, sir.**  
 12 Q. Okay. What kind of records do you  
 13 maintain of hires into these two facilities?  
 14 A. **Their employment application, once they're**  
 15 **hired, goes into a personnel file and then you have**  
 16 **the information in an applicant log.**  
 17 Q. Would you describe for me what the content  
 18 is of the applicant log, please, ma'am?  
 19 A. **This would have a person's name, race and**  
 20 **sex.**  
 21 Q. Anything else?  
 22 A. **The date of application.**  
 23 Q. Anything else?  
 24 A. **At times I'll have just notes for myself**  
 25 **on that but --**

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1 Q. Is that always complete with these notes?  
 2 A. **No.**  
 3 Q. On what occasions do you make notes as  
 4 compared to when you do not?  
 5 A. **Just more of a time thing. If I have the**  
 6 **time to put something in that database just as a**  
 7 **reminder for me, I'll do that. If I don't have the**  
 8 **time, then I don't. But I do always get their name**  
 9 **and race and sex and date in that -- in that**  
 10 **applicant flow.**  
 11 Q. Do you keep track in this applicant flow  
 12 data of each step of the hiring process and whether  
 13 the employee makes it through each step?  
 14 A. **No, sir.**  
 15 Q. There are no logs that you would have from  
 16 January of 2004 which would show, in complete form,  
 17 in which step potential applicants at Ashland were  
 18 eliminated from the hiring process, is that correct?  
 19 A. **That's correct.**  
 20 Q. All right. Do you know from this  
 21 applicant's -- I mean, is this chart that you're  
 22 talking about, is it entitled applicant flow chart or  
 23 applicant log? What do you call it?  
 24 A. **I'm not sure that I've always put a title**  
 25 **on it. It was an internal document that -- you know,**